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United States District Court
Southern District of Texas

ENTERED

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION June 14, 2017 David J. Bradley, Clerk

| ANGELA HENRY, JEROME MALONE, | § |
|--------------------------------|-----------------------------|
| SECURED LEGACY FRANCHISE | § |
| DEVELOPMENT, INC., and | § |
| SAGEMONT DEVELOPERS, INC. | § |
| | § |
| Plaintiffs, | § |
| | § |
| v. | § CIVIL ACTION NO. H-17-517 |
| | § |
| SPA 810, LLC and JOHN DUNATOV, | § |
| | § |
| Defendants. | S |

DEFAULT JUDGMENT

Pending is Plaintiffs' Motion for Default Judgment (Document No. 7). Defendants Spa 810, LLC and John Dunatov were served with summonses and copies of the Complaint but failed to appear, plead, or otherwise defend this action in the time provided by law. Plaintiffs have properly requested default judgment against both Defendants, and have submitted competent affidavit proof of same, all in accordance with Federal Rule of Civil Procedure 55(a) and (b). The Court finds that Plaintiffs are entitled to a default judgment as set forth below. It is therefore

ORDERED and ADJUDGED that Plaintiffs Angela Henry, Jerome Malone, Secured Legacy Franchise Development, Inc., and Sagemont Developers, Inc.'s motion for default judgment is GRANTED and Plaintiffs shall have and recover from Defendants Spa 810, LLC and John Dunatov, jointly and severally, the following amounts:

- (1) Plaintiffs Jerome Malone and Sagemont Developers, Inc. shall have and recover actual damages in the amount of \$250,000.00;
- (2) Plaintiffs Angela Henry and Secured Legacy Franchise Development, Inc. shall have and recover actual damages in the amount of \$200,000.00; and
- (3) All Plaintiffs shall have and recover their reasonable and necessary attorneys' fees in the total amount of \$12,500.00, together with costs of court; and

the foregoing judgment for the total sum of FOUR HUNDRED SIXTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$462,500.00), plus costs of court, shall bear interest on all unpaid portions thereof at the rate of 1.18 % per annum from the date hereof until paid. It is further

ORDERED and ADJUDGED that in the event of an unsuccessful appeal of this Default Judgment by either or both Defendants, Plaintiffs shall be entitled to additional reasonable and necessary attorneys' fees in the amount of \$20,000.00. It is further

ORDERED and ADJUDGED that the basis for this Judgment is a finding of fraud perpetrated by both Defendants Spa 810, LLC and John Dunatov against each of Plaintiffs, Angela Henry, Jerome Malone, Secured Legacy Franchise Development, Inc., and Sagemont Developers, Inc., as alleged in the Complaint. It is further

ORDERED and ADJUDGED that each of Defendants take nothing of or from any of Plaintiffs--i.e. Angela Henry, Jerome Malone, Secured Legacy Franchise Development, Inc., and Sagemont Developers, Inc.--by way of any claim or counterclaim which could

or should have been brought by Defendants Spa 810, LLC and/or John Dunatov.

This is a FINAL JUDGMENT.

As to all of which, Plaintiffs may have their writs of execution and other process, as many and as often as necessary.

The Clerk will enter this Order, providing a correct copy to all counsel of record.

SIGNED in Houston, Texas, on this Hay of June, 2017.

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UNITED STATES DISTRICT JUDGE